

UNITED STATES DISTRICT COURT

Southern

District of

New York

BAYTREE CAPITAL ASSOCIATES, LLC
derivatively on behalf of BROADCASTER, INC.

v.

NOLAN QUAN, et al.

CASE NUMBER:

08 CV 1602

JUDGE STANTON

TO: (Name and address of Defendant)

Binary Source, Inc.
4804 Laurel Canyon Boulevard
No. 536
Woodland Hills, CA 91364

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Sullivan Gardner, PC
475 Park Avenue South
New York, New York 10016
(212) 687-5900

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

FEB 15 2008

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____	Date _____	<i>Signature of Server</i> _____
<i>Address of Server</i> _____		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: SULLIVAN GARDNER P.C.

BAYTREE CAPITAL ASSOCIATES, LLC DERIVATIVELY ON BEHALF OF
BROADCASTER, INC.

Plaintiff(s)

- against -

Index # 08 CV 1602 (STANTON)

NOLAN QUAN, ETAL

Defendant(s)

Purchased February 15, 2008

AFFIDAVIT OF SERVICE

CALIFORNIA : COUNTY OF LOS ANGELES

ss:

Humberto Palacio

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF
EIGHTEEN YEARS AND RESIDES AT 123 S. Figueroa St. suite 115, LOS Angeles, CA 90012

That on March 11, 2008 at 04:10 PM at

4804 LAUREL CANYON BOULEVARD
NO. 536
VALLEY VILLAGE, CA91607

deponent served the within SUMMONS & VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT on BINARY SOURCE, INC. therein named,

CORPORATION a FOREIGN corporation by delivering thereat a true copy of each to JENNIFER "DOE" personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT as said Defendant and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	TAN	BLACK	30	5'5	170

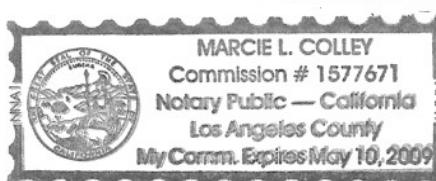
PERSON SPOKEN TO REFUSED TO STATE TRUE FIRST AND/OR LAST NAMES

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: March 14, 2008

Notary:

Marcie L. Colley



Marcie L. Colley
 Server:
 Humberto Palacio
 Invoice #: 458487